

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

CROWDSTRIKE, INC.,

Plaintiff,

v.

DELTA AIR LINES, INC.,

Defendant.

Civil Action No.

1:24-cv-04904-TWT

DELTA AIR LINES, INC.’S MOTION TO DISMISS

Defendant Delta Air Lines, Inc. moves to dismiss Plaintiff CrowdStrike, Inc.’s declaratory judgment complaint. CrowdStrike brought this action hours after Delta filed suit in Georgia state court lodging only state-law claims for damages. CrowdStrike’s complaint is a transparent attempt to avoid that forum and to publicly blame Delta for the damages CrowdStrike inflicted. CrowdStrike’s action fails at every turn. There is no basis for subject-matter jurisdiction. The after-the-fact absolution it seeks is not a proper basis for declaratory judgment. And decisions of the U.S. Supreme Court, the Eleventh Circuit, and this Court forbid this sort of interference with pending state court action. For these reasons, as more thoroughly explained in the accompanying Memorandum of Law, this Court should dismiss this action.

This 1st day of November, 2024.

David Boies
(*pro hac vice* forthcoming)
BOIES SCHILLER FLEXNER LLP
55 Hudson Yards
20th Floor
New York, NY 10001
(914) 749-8200
dboies@bsfllp.com

Hsiao (Mark) C. Mao
(*pro hac vice* forthcoming)
BOIES SCHILLER FLEXNER LLP
44 Montgomery Street
41st Floor
San Francisco, CA 94104
(415) 293-6800
mmao@bsfllp.com

James P. Denvir
(*pro hac vice* forthcoming)
Michael S. Mitchell
(*pro hac vice* forthcoming)
BOIES SCHILLER FLEXNER LLP
1401 New York Ave., NW
Washington, DC 20005
(202) 237-2727
jdenvir@bsfllp.com
mmitchell@bsfllp.com

/s/ Frank M. Lowrey IV
Frank M. Lowrey IV
Georgia Bar No. 410310
Jane “Danny” Vincent
Georgia Bar No. 380850
Michael R. Baumrind
Georgia Bar No. 960296
Amber Greenaway
Georgia Bar No. 401191
BONDURANT MIXSON & ELMORE, LLP
One Atlantic Center
Suite 3900
1201 West Peachtree Street NW
Atlanta, Georgia 30309
(404) 881-4100
lowrey@bmelaw.com
vincent@bmelaw.com
baumrind@bmelaw.com
greenaway@bmelaw.com

CERTIFICATE OF SERVICE

I hereby certify that on this date I electronically filed the foregoing **DELTA AIR LINES, INC.'S MOTION TO DISMISS** with the Clerk of Court using the CM/ECF system which will automatically send email notification to all counsel of record.

This 1st day of November, 2024.

/s/ Frank M. Lowrey IV